

REMARKS

Applicant and the undersigned thank the Examiner for the careful review of this application. Claims 1-4 and 11-26 have been rejected by the Examiner. Claims 1, 12 and 20 have been amended and Claims 2, 4, 18, and 26 have been canceled herein. Upon entry of the amendments contained herein, Claims 1, 3, 11-17, and 19-25 remain pending in this application. The independent claims are Claims 1, 12 and 20. Consideration of the present application is respectfully requested in light of the above amendments and the following remarks.

I. Summary of Telephone Interview

Examiner Vig and the undersigned conducted a telephone interview on April 9, 2008. During the telephone interview, the undersigned and Examiner Vig discussed potential amendments to independent Claim 12 and compared the proposed amendments to the prior art. No agreement was reached as to allowable subject matter during the telephone interview.

II. Rejections Under 35 U.S.C. Sec. 112

In the Office Action mailed on February 25, 2008, the Examiner presented new rejections of Claims 1-4 and 11-26 as being vague and indefinite under 35 U.S.C. Sec. 112, second paragraph. Applicant respectfully traverses the Examiner's rejections under Section 112 and submits that the claims as previously presented were not vague and indefinite. Nonetheless, in order to expedite prosecution of this application, Applicant has presented claim amendments to address these rejections.

First, the Examiner contends that it is not clear in the publishing step whether the claims recite "publishing of the requested request for the service providers, or, it is publishing of the identified service providers who can fulfill the service requested to the service provider." (Office Action, p. 2.) Applicant has submitted with this response amendments to independent Claims 1, 12, and 20 making clear that the publishing step recites publishing of information responsive to the request. Support for these amendments can be found, for example, in Figure 5C and the related discussion in the specification.

Second, the Examiner asserts that the claims are indefinite in that "when more than one service provider[] [is] published for the service requester, does the service requester make a selection of a service provider from the more than one service provider who will fulfill the

requested service”? (Office Action, p. 3.) Applicant respectfully submits that the independent claims, as amended, are not directed to the service requester making a selection from more than one service provider for a single service provider that will fulfill the service request. Instead, independent Claims 1, 12, and 20, as amended, recite methods for providing information about real estate service providers to assist the requester in making a decision. Furthermore, as currently amended, the independent claims recite methods for a requester to obtain additional information in the form of a price quote from the potential service providers. Support for these amendments can be found, for example, in Figures 5E, 6E, and 7E. Claims 1, 12, and 20 are not directed to a method for making the final selection of a single service provider who will fulfill the request. Applicant submits that these amendments and remarks address the Examiner’s rejection.

Third, the Examiner has asked for clarification as to whether a matching is performed in connection with Claims 1 and 11. (Office Action, p. 3.) Applicant has addressed this question by amending Claim 1 (from which Claim 11 depends) to make explicit the matching of request criteria with service providers. Support for this amendment can be found in paragraph 0049 of the specification. Applicant submits that this amendment addresses the Examiner’s rejection.

Fourth, the Examiner contends that Claim 4 is indefinite because it is not clear whether payment is received for the services rendered or for providing the list of potential service providers. Applicant has canceled Claim 4 and submits that this cancellation addresses the Examiner’s rejection.

Finally, the Examiner contends that Claim 2 is indefinite and asks “how is the cost estimate provided to the service requested when the scope of the service is not even analyzed . . . wherein the estimate is based upon the scope of the work.” (Office Action, p. 3.) Applicant has canceled Claim 2 and submits that this cancellation addresses the Examiner’s rejection.

III. Rejections Under 35 U.S.C. Sec. 103

The Examiner rejected Claims 1-4 and 11-26 under 35 U.S.C. Sec. 103 as obvious in view of the combination of U.S. Patent No. 6,351,738 to Clark and the archived web pages of HomeGain.com. Applicant respectfully submits that independent Claims 1, 12, and 20, as amended herein, are patentably distinct from the Clark and HomeGain references, taken alone or in combination.

The Clark reference discloses an e-commerce system having a website accessible by business entities. A business entity can use the system in Clark to select a supplier to which the business entity can issue a purchase request. When the independent business entity enters a purchase request to the selected supplier, the e-commerce system forwards the request to the selected supplier, and the selected supplier sends the requested goods or services directly to the business entity.

Applicant submits that Clark does not teach or suggest receiving a request for information regarding a commercial real estate service available from the service providers, wherein the request comprises criteria that both identifies a property and identifies a requested service. Clark also fails to disclose receiving a request for a price quote for service providers identified during a previous matching step as recited in independent Claims 1, 12, and 20, as amended. Clark merely teaches an e-commerce system that provides a website accessible by business entities and that provides information about suppliers. The business entities can choose a supplier from those identified at the website. However, Clark does not teach or suggest receiving a request that comprises criteria defining both a property and the requested service, nor does it teach receiving a request for a price quote for certain matched service providers.

The HomeGain reference fails to provide the teachings missing from Clark that would render obvious independent Claims 1, 12, and 20, as amended. The Examiner refers to the statement at page 26 in the HomeGain reference that “[m]ember agents receive an e-mail every time a new listing becomes available in their selected zip codes.” While the HomeGain reference may prompt agents based on the location of a new listing, HomeGain does not teach performing a matching based on criteria that identifies both the property and the requested service.

Neither the Clark nor the HomeGain reference, taken alone or together, teaches publishing information responsive to the request criteria at the virtual marketplace based on the criteria identifying both the property and the requested service. Furthermore, independent Claims 1, 12, and 20, as amended, require receiving a price quote request for a matched service provider and forwarding that request to the provider. The Examiner refers to page 25 of the HomeGain reference that states the agent can provide a link to their own webpage. However, the HomeGain reference operates differently from the methods in the independent claims in that

agents review postings from property sellers and decide whether to respond to the sellers with detailed proposals. (See HomeGain reference, pp. 3, 4, 5, 8-9.) Applicant submits that providing a link to a webpage is not publishing responsive information based on the request criteria. Additionally, the HomeGain reference does not disclose the claimed steps of receiving a price quote request and forwarding that request to the matched service provider. Thus the HomeGain system is more limited and requires the agent using the HomeGain system to interact with the system and decide whether to respond with an initial proposal.

Clark also fails to teach or suggest the recited steps of amended Claims 1, 12 and 20. As explained above, Clark does not teach receiving a request for information. Instead, Clark allows a business entity to enter a purchase request at the e-commerce system, which forwards that purchase request to a supplier. In response to the purchase request, the supplier processes the order and provides the goods or services directly to the business entity.

In summary, the Clark and HomeGain references fail to teach: 1) publishing information responsive to the request criteria based on matching; 2) receiving a price quote request for one or more matched service providers; and 3) sending the price quote request to the matched service provider.

IV. Rejection of Dependent Claims

Each of Claims 3, 11, 13-17, 19, and 21-25 depends directly or indirectly from one of the independent claims discussed above. Accordingly, for at least the reasons discussed above with respect to the independent claims, Applicant submits that the dependent claims are likewise patentable over at least the cited references. The dependent claims also recite additional features that further define the claimed invention over the cited references. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

Applicant has not addressed each specific rejection of the dependent claims because Applicant submits that the independent claims are allowable over the documents of record, as discussed above. Applicant has not acquiesced to any such rejections and reserves the right to address the patentability of any additional claim features in the future.

CONCLUSION

No fees are believed to be due in connection with this response. The Commissioner is authorized to charge any underpayment of fees to Deposit Account No. 11-0980.

Applicant submits the foregoing as a full and complete response to the Office Action mailed February 25, 2008. Applicant and the undersigned thank the Examiner for considering these amendments and remarks. Applicant submits that this response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at (404) 572-3505.

Date: April 23, 2008

Respectfully submitted,

KING & SPALDING LLP

By: 

Robert T. Neufeld

Reg. No. 48,394

King & Spalding LLP
Intellectual Property Dept. - Patents
1180 Peachtree Street, N.E.
34th Floor
Atlanta, Georgia 30309-3521
Telephone (404) 572-4600
Facsimile (404) 572-5134